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10/072,623	02/08/2002	Gerold Tebbe	021007	3227

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FACTOR & PARTNERS, LLC
1327 W. WASHINGTON BLVD.
SUITE 5G/H
CHICAGO, IL 60607

EXAMINER

FERGUSON, MARISSA L

ART UNIT PAPER NUMBER

2854

DATE MAILED: 09/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/072,623

Applicant(s)

TEBBE, GEROLD

Examiner

Marissa L Ferguson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 5/13/02.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: Specification has no headings.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 1 does not positively set forth any method.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Tiemann (US 3,915,087).

Regarding claim 1, Tiemann teaches a method comprising a printing stencil supplied with an ink that is brought into contact with a textile material, characterized in that a printing stencil is a

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screen printing stencil and in that at least one of the inks contains a bonding agent (Abstract, Column 1, Lines 50-54, and see elements 11-13 and 112-113). It is inherent that ink contains a bonding agent and an active substance, in order for ink to be in a microencapsulated form.

Regarding claim 13, Tiemann teaches a method characterized in that a cylindrical circulating screen printing stencil is used (elements 11-13).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-5, 7,8 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tiemann (US 3,915,087) in view of Suzuki et al. (US 6,417,915).

Regarding claims 2 and 3, Tieman teaches a method claimed invention however he does not explicitly disclose at least one of the active substances used in microencapsulated form and a wall material of a microcapsule that is stable with respect to the bonding agent. Suzuki et al. teaches microcapsules that contain an active substance and a wall material of a microcapsule that is stable with respect to a bonding agent (Abstract, Column 8, Lines 24-56 and Column 35, Lines 1-15 and reference made throughout) that is used for preventing leakage.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the invention as taught by Tiemann to include microcapsules as taught by Suzuki et al., since Suzuki et al. teaches a stable shell wall that is used for properly securing and preventing leakage of a microcapsule.

Regarding claims 4 and 12, Tiemann teaches a method claimed however, he does not explicitly disclose a method characterized in that an ink, bonding agent and a wall of material of a microcapsule that are chemically related. Suzuki et al. teaches an ink, and an agent that comprises a wall that are chemically linked (Abstract, Column 8, Lines 24-56 and Column 35, Lines 1-15 and reference made throughout and reference made throughout prior art) that are used to improve physical characteristics. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the invention as taught by Tiemann to include a wall and agent that are chemically linked as taught by Suzuki et al., since Suzuki et al. uses the chemically related elements in order to easily add supplemental substances to a microcapsule.

Regarding claims 5,7 and 8, Tiemann teaches the a method claimed however, he does not explicitly disclose a bonding agent and a wall material that are formed essentially, by the same plastics material and silicone material. Suzuki et al. teaches an agent containing plastics and silicone materials (Abstract, Column 8, Lines 33-34 , Lines 57-65 and reference made throughout prior art) for improving surface qualities. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the invention as taught by Tiemann to include plastics and silicones as taught by Suzuki a et al., since Suzuki et al. uses plastics and silicones to improve surface qualities and to provide uniform formations of the microcapsule layer.

5. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tiemann (US 3,915,087) in view of Suzuki et al. (US 6,417,915) further in view of Sato (JP 404059276).

Tiemann and Suzuki et al. both teach the method claimed with the exception of microcapsules enclosing one or more of the following substances: moisture absorbing agent, skin-care agent, medicaments, nutritional supplements, in particular vitamins, active substances inhibiting perspiration

formation or perspiration decomposition, temperature-stabilizing materials, aromatic substances. Sato teaches microcapsules that are filled with an aromatic agent (Constitution) that is used as an adherent substance.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to further modify the invention as taught by Tiemann and Suzuki et al. to include an aromatic agent as taught by Sato, since Sato uses the agent to adhere a fiber to an ink substance.

6. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tiemann (US 3,915,087) in view of Daniels (US 5,231,450).

Tiemann teaches a method claimed however, he does not explicitly disclose a microencapsulated foaming agent and a wall material of the microcapsules being destructible by the action of heat while drying. Daniels teaches a method of breaking down a microcapsule by heating and curing (Column 17, Lines 38-45) in order to form integral structure. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the invention as taught by Tiemann to include destructible wall as taught by Daniels, since Daniels breaks down a core of a microcapsule for the purpose of forming a strong integral structure.

7. Claims 10,11 and 14-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tiemann (US 3,915,087) in view of Bussard (US 4,852,483).

Regarding claims 10,11 and 14, Tiemann teaches the method claimed however, he does not explicitly disclose a plurality of successive printing steps that are carried out in different sections of a textile material width and individual sections that do not overlap. Bussard teaches using stencils for printing steps in different sections and contours on a material that do not overlap over each other

(Figures 1-22 and reference made throughout prior art). With respect to overlapping, Bussard teaches stencils that are individuals that do not require overlapping.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the invention as taught by Tiemann to the elements as taught by Bussard, since Bussard teaches a cost effective method and using stencils to print an image using standard equipment.

8. Regarding claims 15-18, Tiemann teaches the method claimed however, he does not explicitly disclose a grid screen printing process and grid elements of a screen printing stencil having dimensions of approximately 0.1 to approximately 10 mm. Bussard teaches using a grid screen printing process (element 17 and Column 2, Lines 8-12). Although, Bussard teaches a grid, the specific dimensions of the grid are not disclosed, however it should be obvious to one having ordinary skill in the art at the time the invention was made to use the specific dimensions claimed, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. *In re Aller*, 105 USPQ 233.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the invention as taught by Tiemann to include the mesh printing process as taught by Bussard, since Bussard uses mesh to successfully print imagery on textile products.

9. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tiemann (US 3,915,087) in view of Siegrist (US 6,550,813).

Regarding claim 19, Tiemann teaches the method claimed however, he does not explicitly disclose a bonding agent that is transparent or translucent. Siegrist teaches screen-printing with a transparent bonding agent (Column 7, Lines 30-43 and Lines 52-56) to prevent damage. It would

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have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the invention as taught by Tiemann to include a transparent bonding agent as taught by Siegrist, since Siegrist uses the agent to prevent damaging graphic images.

10. Claims 20-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tiemann (US 3,915,087) in view of Rutz et al. (US 5,891,562).

Regarding claims 20 -22, Tiemann teaches the method claimed however he does not teach white and/or colored pigmented bonding agent. Rutz et al. teaches a bonding agent containing white and colored pigments (Column 5, Lines 7-30). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the invention as taught by Tiemann to include white and color pigments as taught by Rutz et al., since Rutz et al. uses adding pigments to improve adhesion properties damaging graphic images.

Conclusion

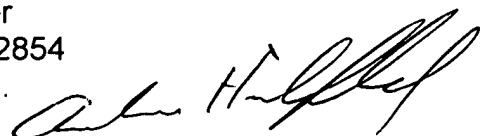
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marissa L Ferguson whose telephone number is (703) 305-3194. The examiner can normally be reached on (M-T) 6:30am-4:00pm and every other(F) 7:30am-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Hirshfeld can be reached on (703) 305-6619. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1782.

Marissa L Ferguson
Examiner
Art Unit 2854

MLF
August 22, 2003


ANDREW H. HIRSHFELD
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800